

Notice of Allowability

Application No.

09/634,339

Examiner

Maikhanh Nguyen

Applicant(s)

KAYE, EVAN JOHN

Art Unit

2176

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephonic interview on 10/9/2007.
2. ☒ The allowed claim(s) is/are 1, 5, 17, and 19 (now renumbered as 1-4).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Evan J. Kaye on October 10 2007.

The application has been amended as follows:

I. Amendments to the Claims:

All previous copies of claims 1, 5, 17, and 19 have been replaced with the following clean copy of claims 1, 5, 17, and 19 as amended by the Examiner's amendment.

1. A method implemented on a network for identifying the name of a song input by a first user, the network including at least a client machine and a host server connected to the Internet, the method comprising the steps of:

Art Unit: 2176

accessing the host server by the first user at the client machine;

automatically receiving identification information of the first user from a cookie stored on the client machine;

sending a request, by the first user, to enter a voice clip of a portion of the song to the host sever;

transmitting a form from the host server to the client machine in response to the request by the client machine, wherein the form comprises embedded components which execute on the client machine;

inputting, though interaction with the form, the voice clip of a portion of the song into a microphone connected to the client machine;

providing the voice clip to the host server;

selectively providing, though interaction with the form, further information relating to the song to the host server;

making the voice clip and the information available to multiple human visitors to the host server;

permitting the multiple human visitors to post an identification of the song to the host server from respective machines connected to the network, the identification of the song comprising at least one of the name of the song and an artist name;

searching the posted identifications for a match of the identity of at least one of the song name and the artist name among a predetermined plurality of the identifications posted by the visitors; and

in the event that a match was determined in the searching step, transmitting to the client machine an electronic notification from the host server that the song in the voice clip has been identified, wherein the electronic notification being received at the client machine in accordance with the first user identification information,

wherein the electronic notification includes a hypertext link to a predetermined page constructed by the host server, and wherein the electronic notification includes at least one of the name of the song and the artist.

5. The method as in claim 1, including the additional step of issuing a benefit to those additional human users who submitted responses that had matching data.

17. The method as in claim 1, wherein the first user identification information is received automatically from the client machine upon accessing the server.

19. The method as in claim 1, wherein the first user identification information is received from the client machine in response to manual input by the first user.

(ii). Claims 2, 3, 12-14, 16, and 18 have been cancelled.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled “*Comments on Statement of Reasons for Allowance.*”

Contact information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Doug Hutton can be reached at (571) 272-4137.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for patents
P.O. Box 1450
Alexandria, VA 22313-1450

MN

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER